



COMMONWEALTH of VIRGINIA

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(Mailed December 21, 1998 after receipt of quarterly report)

Mr. Philip Thompson, AICP
Department of Planning and Community Development
Post Office Box 339
Stafford, Virginia 22555-0339

Re: St. Georges Estates' RPA Boundary Delineation

Dear Philip:

At the request of Mike Zuraf, Shawn Smith and I visited St. Georges Estates in Stafford County on November 5, 1998 to survey a Resource Protection Area (RPA) boundary which extends along an unnamed headwater stream of Aquia Creek. Prior to the field visit, CBLAD staff was asked to review the "Regulatory Constraints Analysis," dated September 30, 1998, that was submitted to the County on behalf of the property owner by Bill Ellen, a wetlands consultant. The recommendations contained in this letter are based on a review of the analysis and on observations from the field visit.

The stream in question is identified on the County's Chesapeake Bay Preservation Area (CBPA) maps as a RPA feature and the area surrounding the stream is protected by the RPA buffer area; however, Mr. Ellen is contending that the County's RPA designation is not warranted since the U.S.G.S. Stafford Quadrangle map identifies the stream as an intermittent stream and since the wetlands associated with intermittent streams are not required to be included in the RPA. Therefore, Mr. Ellen is recommending that the RPA designation be removed, and that the area surrounding the stream be redesignated as a Resource Management Area (RMA).

The key argument presented by Mr. Ellen is that the existing RPA designation incorrectly extends beyond the perennial reach of the stream. However, both the field visit and Mr. Ellen's own report fail to demonstrate that this stream is not a tributary stream. In fact, both the field visit and the report offer evidence to maintain the current RPA designation. For instance, the field visit revealed several indicators that would support the stream being protected by a RPA buffer. First, the stream had water in it at the time of the field visit. This fact is significant

given that fall and winter are typically the driest times of the year and that the area experienced drought conditions this summer into the fall. Second, the physical characteristics of the stream appear to indicate that the stream serves as a conduit for nonpoint source pollution. The stream has a well-defined stream channel with a relief of five to 10 feet from the streambed, and is approximately six to eight feet in width with an average water depth of approximately six to 12 inches. Mr. Ellen also stated at the field visit that he had never seen the stream dry. It would appear then, from field inspection, that the U.S.G.S. intermittent classification was in error, and that the stream is in fact a tributary stream that warrants the current RPA designation.

In addition to the physical characteristics of the stream observed at the field visit, evidence in Mr. Ellen's report also supports the stream's perennial nature. First, the report states that the stream has a flow of "less than 1 cfs," and the presence of a measurable flow adds to the likelihood that it has a perennial flow. And second, the report states that there are a number of "perennial indicators" (e.g., algae growth) in the stream.

Furthermore, aside from the issue of the stream's perenniality, the site included nontidal wetlands with the presence of water on site which supports the definition of "contiguous and connected by surface flow" in the Regulations. While the actual extent of the jurisdictional wetlands was not provided in Mr. Ellen's report (nor was it determined on the field visit) it appears that the nontidal wetland system in this area would most likely be connected by surface flow to the stream. Therefore, it is the Department's opinion that the RPA designation was appropriate and the RPA boundary is not in error.

In conclusion, based on the conditions of the stream during the field visit and the supporting analysis, it appears as if the stream in question is correctly protected with a RPA buffer on the County's CBPA maps, and staff recommends that this designation stand. Furthermore, CBLAD staff recommend that the County consider extending the RPA designation upstream of its current location to include all areas that may also warrant designation based on the field visit.

If you should have any questions concerning the comments contained in this letter, please feel free to contact me at 1-800-243-7229.

Sincerely,

Nadine Golgosky Barnes
Senior Environmental Planner

c: Scott Kudlas, Chief of Planning, CBLAD
Shawn Smith, Implementation Review Officer, CBLAD
Mike Zuraf, Planner, Stafford County

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